D.B. CIVIL WRIT PETITION NO.1038/2005.
(I.C.A.R. & Anr. Vs. Smt. Santosh & Anr.)

Date :21.02.2005

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK LALL MOHTA

Mr.Ashok Chhangani,the petitioners.

We have heard learned counsel for the petitioners and perused the order of the Central Administrative Tribunal dated 19.08.2004 (hereinafter after referred to as "Tribunal").

The family pension and other terminal benefits to the respondent Smt.Santosh were denied by the petitioners on the ground that her deceased husband was not holding permanent status in the service. The Tribunal after thorough discussion of the legal and factual aspects held that the respondent entitled to the family pension and other benefits. Thus, a direction has been given to treat late Durga Lal husband of the respondent as regularized on the date of his death and grand family pension.

We are informed that in another original application filed by the same respondent Smt.Santosh claiming compassionate appointment, the plea of the petitioner was rejected and a direction was given for appointment on

compassionate ground. The petitioner challenged the said order by way of writ petition before this Court. The same has been dismissed by the order dated 11.10.2004. This Court while dismissing the writ petition observed as follows:-

> "Without going into the merits of the case, we are of the opinion that there is no dispute in the fact that deceased had worked for more than 20 years with the petitioners and one fails to understand as to why permanent status has not been accorded to him. In these circumstances, we are of the opinion that there being no failure of substantial justice in directing compassionate appointment to the widow of the deceased by the Tribunal, who otherwise is entitled to such appointment."

In view of the aforesaid, no interference is warranted by this Court in its extra ordinary jurisdiction.

The writ petition stands dismissed.

(MANAK LALL MOHTA),J. **(N.N.MATHUR),J**

ashwini/-